

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARIO WILSON,

Plaintiff,

v.

POOR,

Defendant.

CASE NO. C19-5920 BHS-TLF

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 20, and Plaintiff Mario Wilson’s (“Wilson”) objections to the R&R, Dkt. 21.

On September 11, 2020, Judge Fricke issued the R&R recommending that the Court grant Defendant’s motion to dismiss, grant Wilson leave to amend, and deny Wilson’s motion to appoint counsel. Dkt. 20. On October 2, 2020, Wilson filed objections. Dkt. 21.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Wilson's objections are unclear. Instead of objecting to any specific  
4 recommendation, he submits additional allegations and authorities in support of his  
5 claims. Such additional allegations submitted as objections may not overcome the  
6 deficiencies in his complaint, and he should consider adding the allegations to his  
7 amended complaint. Therefore, the Court having considered the R&R, Wilson's  
8 objections, and the remaining record, does hereby find and order as follows:

- 9 (1) The R&R is **ADOPTED**;
- 10 (2) Defendant's motion to dismiss is **GRANTED**;
- 11 (3) Wilson is **GRANTED** leave to amend;
- 12 (4) Wilson's motion to appoint counsel is **DENIED**; and
- 13 (5) Judge Fricke may set a deadline for any amended complaint.

14 Dated this 13th day of November, 2020.

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17 BENJAMIN H. SETTLE  
United States District Judge